

Application No. 10/826,743
Amendment dated January 11, 2006
Reply to Office Action of July 11, 2005

Docket No.: 60583(50530)

REMARKS

Claims 1-14 are pending. Claims 12-14 have been withdrawn, allegedly due to non-elected subject matter. Applicants have amended claims 1, 7, and 8. Support for the amendments can be found throughout the specification and in the claims as originally filed.

Applicants make these amendments without prejudice to pursuing the original subject matter of this application in a later filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter. No new matter is introduced by these amendments.

As an initial matter, Applicants confirm the election of the species found on page 125, lines 5-9 of the application as filed. Applicants appreciate the Examiner's comments indicating that the elected species was not found in the prior art and that the search was expanded to embrace the full scope of claim 1.

Applicants reserve their right to rejoin method claims 12-14 upon allowance of claim 1-11. Should claims 1-11 be found to be in condition for allowance, Applicants request rejoinder of claims 12-14, which depend from at least one of claims 1-11.

Claims Rejections – 35 U.S.C. §112, second paragraph

Claims 1-5 and 7-11 are rejected, allegedly due to the indefiniteness of the term "substituted." Applicants disagree and traverse, but have amended claim 1 to include a recitation of suitable "substituted" groups. Support can be found at least at page 28, lines 14-28 for "substituted alkyl," page 29, lines 5-19 for "substituted alkenyl," page 29, line 27 to page 30, line 10 for "substituted alkynyl," page 30, line 24 to page 31, line 7 for "substituted aryl," page 31, lines 12-26 for "substituted arylalkyl," page 32, lines 5-19 for "substituted heteroaryl," page 32 line 26 to page 33, line 9 for "substituted C₃-C₁₂-cycloalkyl," page 33, line 21 to page 34, line 4 for "substituted heterocycloalkyl," and page 34, lines 10-24 for "substituted heteroarylalkyl." Applicants indicate that sufficient description of the term "substituted" is provided in claim 1 as amended. The rejection is thus overcome and Applicants request withdrawal of the rejection.

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It is alleged that the term "heteroaryl" is indefinite due to the lack of description of number of atoms, kinds of heteroatoms, and ring size. Applicants disagree and respectfully traverse. Support for the definition of "heteroaryl" can be found at least at page 31, line 28 to page 32, line 3. The specification defines "heteroaryl" as "a mono-, bi-, or tri-cyclic aromatic radical or ring having from five to ten ring atoms of which one ring atom is selected from S, O and N; zero, one or two ring atoms are additional heteroatoms independently selected from S, O and N; and the remaining ring atoms are carbon. Heteroaryl includes, but is not limited to, pyridinyl, pyrazinyl, pyrimidinyl, pyrrolyl, pyrazolyl, imidazolyl, thiazolyl, oxazolyl, isooxazolyl, thiadiazolyl, oxadiazolyl, thiophenyl, furanyl, quinolinyl, isoquinolinyl, benzimidazolyl, benzooxazolyl, quinoxalinyl, and the like." One of ordinary skill, in conjunction with Applicants' specification, would be able to fully appreciate the claimed subject matter. Applicants submit that the specification provides ample support for the number of atoms, kinds of heteroatoms, and ring size, and therefore request withdrawal of the rejection.

It is alleged that the term "heterocycloalkyl" is confusing due to the lack of description of the kind of ring, and number of atoms in the ring. Applicants disagree and respectfully traverse. Support for the definition of "heterocycloalkyl" can be found at least at page 33, lines 11-19. The specification defines "heterocycloalkyl" as "a non-aromatic 5-, 6- or 7-membered ring or a bi- or tri-cyclic group fused system, where (i) each ring contains between one and three heteroatoms independently selected from oxygen, sulfur and nitrogen, (ii) each 5-membered ring has 0 to 1 double bonds and each 6-membered ring has 0 to 2 double bonds, (iii) the nitrogen and sulfur heteroatoms may optionally be oxidized, (iv) the nitrogen heteroatom may optionally be quaternized, and (v) any of the above rings may be fused to a benzene ring. Representative heterocycloalkyl groups include, but are not limited to, [1,3]dioxolane, pyrrolidinyl, pyrazolinyl, pyrazolidinyl, imidazolinyl, imidazolidinyl, piperidinyl, piperazinyl, oxazolidinyl, isoxazolidinyl, morpholinyl, thiazolidinyl, isothiazolidinyl, and tetrahydrofuryl." One of ordinary skill, in conjunction with Applicants' specification, would be able to fully appreciate the claimed subject matter. Applicants submit that the specification provides ample support for the kind of ring, and number of atoms in the ring, and therefore request withdrawal of the rejection.

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Claim 7 is rejected, allegedly due to the lack of the recitation of all limitations that should be included in an independent claim. Applicants disagree and traverse, but have amended claim 7 to include a recitation of all the A and B groups. Support for the amendment can be found at least at pages 21-26 of the application as filed. The rejection is thus overcome and Applicants request withdrawal of the rejection.

Claim 8 is rejected, allegedly for not providing the compounds claimed. Applicants disagree and traverse, but have amended claim 8 to include structural representations of the compound numbers recited in claim 8. Support for the amendment can be found at least in claim 8 as originally filed and at pages 19-26 of the specification. The rejection is thus overcome and Applicants request withdrawal of the rejection.

Claim 6 is objected to, allegedly due to its dependency on a rejected base claim. Applicants have amended claim 1 (*supra*), to which claim 6 depends. Applicants submit that the objection to claim 6 is moot in view of claim 1 as amended. Applicants request withdrawal of the objection.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. Should any of the claims not be found to be in condition for allowance, the Examiner is requested to call Applicants' undersigned representative to discuss the application. Applicants thank the Examiner in advance for this courtesy.

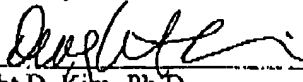
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The Director is hereby authorized to charge any credits or deficiency in the fees filed (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. (50530) 60583.

Dated: January 11, 2006

Respectfully submitted,

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